

REMARKS

I. Notice of References Cited

As an initial matter, the Examiner cited U.S. Patent No. 6,771,761¹ to LaPierre et al. ("LaPierre") in the Final Office Action and the previous Office Action mailed May 7, 2007. However, the reference does not appear on the Notice of References Cited of the Final Office Action or the previous Office Action. Accordingly, Applicants respectfully request that the Examiner list the reference on the Notice of References Cited.

II. Regarding the Final Office Action

In the Final Office Action, the Examiner rejected claims 1-7, 9-13, 16-18, 20-26, 29-37, 39-43, and 46-53 under 35 U.S.C. § 103(a) as being unpatentable over LaPierre in view of U.S. Patent Application No. 2001/0043586 of Miloslavsky ("Miloslavsky"); rejected claims 8 and 38 as being unpatentable over LaPierre in view of U.S. Patent Publication No. 2002/0076031 to Falcon et al. ("Falcon"); and rejected claims 27 and 28 as being unpatentable over LaPierre in view of U.S. Patent No. 4,839,916 to Fields et al. ("Fields") and/or U.S. Patent No. 5,838,767 to Aoyama ("Aoyama").

By this Amendment, Applicants have amended claims 1, 2, 17, 18, 20, 31, and 32. Support for the amendments can be found in the specification at, for example, page 3, line 13 - page 4, line 3. Claims 1-13, 16-18, 20-43, and 46-53 are currently

¹ Although the Final Office Action and the previous Office Action mailed May 7, 2007, refer to U.S. Patent No. 6,795,543, the Applicants' representative confirmed with the Examiner on June 11, 2007, that this was an error in the Office Action and that the correct patent number for the reference is 6,771,761. Applicants respectfully request correction in any future communication.

pending, with claims 1, 17, and 31 being independent. Claims 14, 15, 19, 44, and 45 have been canceled in previous amendments, without prejudice or disclaimer. Based on the foregoing amendments and the following remarks, Applicants respectfully traverse the Examiner's rejections of the pending claims.

A. Rejection of Claims 1-7, 9-13, 16-18, 20-26, 29-37, 39-43, and 46-53 Under 35 U.S.C. § 103(a) Based on LaPierre and Miloslavsky

Applicants respectfully traverse the rejection of claims 1-7, 9-13, 16-18, 20-26, 29-37, 39-43, and 46-53 under 35 U.S.C. § 103(a) as being unpatentable over LaPierre in view of Miloslavsky. A *prima facie* case of obviousness has not been established with respect to claim 1-7, 9-13, 16-18, 20-26, 29-37, 39-43, and 46-53.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Amended independent claim 1 recites "[a] method for routing a call directed to devices associated with one of a plurality of numbers, the plurality of numbers comprising a first number associated with a first service, and a second number associated with the first service and a second service, the method comprising . . . ,” among other steps, “determining whether [a] trigger number is associated with the first or second number,” “based on the determination that the trigger number is associated with the second number, requesting the calling party to select the first or second service,” and “based on the determination that the trigger number is associated with the first number, requesting the calling party to select one of a plurality of related types of the first service.”

The Examiner correctly observed that “LaPierre does not teach a method for routing a call directed to one of a plurality of numbers, each number associated with at least one of a plurality of services.” Final Office Action at 2. The Examiner attempted to cure these deficiencies of LaPierre by relying on Miloslavsky. Id. The Examiner asserted that Miloslavsky teaches the recited method, citing the lines 5-12 of the Abstract of Miloslavsky. Id. Applicants respectfully disagree.

Miloslavsky is directed to “[a] computerized Internet-Protocol Network Telephony (IPNT) routing system [with] a routing processor for receiving and forwarding IPNT calls based on information stored in an associated database regarding operation and status of possible destinations for the call.” Miloslavsky, Abstract, lines 1-5. Miloslavsky discloses that “[i]n some embodiments, destinations are call centers adapted for receiving IPNT calls at workstations associated with a central processor, and the information in the database at the routing processor is collected and processes at the call centers that are potential destinations for the calls.” Id. lines 5-10. Although Miloslavsky teaches routing a **plurality of IPNT calls**, nowhere does Miloslavsky teach or suggest that those IPNT calls are directed to one of a **plurality of numbers**, each number associated with at least one of a plurality of services, as mischaracterized by the Examiner. Applicants, however, in an effort to advance prosecution, have amended claim 1 to recite “[a] method for routing a call directed to devices associated with one of a plurality of numbers, the plurality of numbers include a first number associated with a first service, and a second number associated with the first service and a second service.”

Because neither LaPierre nor Miloslavsky teaches or suggests “[a] method for routing a call directed to devices associated with one of a plurality of numbers, the plurality of numbers comprising a first number associated with a first service, and a second number associated with the first service and a second service,” as recited in amended independent claim 1, LaPierre and Miloslavsky, taken alone or in combination, fail to teach or suggest, “determining whether [a] trigger number is associated with the first or second number,” “based on the determination that the trigger number is

associated with the second number, requesting the calling party to select the first or second service,” and “based on the determination that the trigger number is associated with the first number, requesting the calling party to select one of a plurality of related types of the first service,” as recited in amended independent claim 1. None of the references teaches or suggests making different requests to a calling party based on the determination that a trigger number is associated with a first or second number.

In view of the Office Action’s mischaracterization of the Miloslavsky reference noted above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claim 1. Moreover, there is no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, the Examiner has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 1 and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

Amended independent claims 17 and 31, although of different scope, recite features that are similar to the features recited in amended independent claim 1. For reasons at least similar to the reasons set forth above with respect to amended independent claim 1, LaPierre and Miloslavsky fail to support the § 103(a) rejection of amended independent claims 17 and 31. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of amended independent claims 17 and 31 based on LaPierre and Miloslavsky.

Claims 2-7, 9-13, 16, 47, and 50-53 depend from claim 1; claims 18, 20-26, 29, 30, and 48 depend from claim 17; and claims 32-37, 39-43, and 46, 49 depend from claim 31. Thus, claims 2-7, 9-13, 16, 18, 20-26, 29, 30, 32-37, 39-43, and 46-53 are allowable at least by virtue of their dependence from an allowable independent claim. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claims 2-7, 9-13, 16, 18, 20-26, 29, 30, 32-37, 39-43, and 46-53 based on LaPierre and Miloslavsky.

B. Rejection of Claims 8 and 38 Under 35 U.S.C. § 103(a) Based on LaPierre and Falcon

Claims 8 and 38 depend from amended independent claims 1 and 31, respectively. As explained above with respect to amended independent claims 1 and 31, the Examiner correctly observed that “LaPierre does not teach a method for routing a call directed to one of a plurality of numbers, each number associated with at least one of a plurality of services.” Final Office Action at 2.

Falcon does not cure these deficiencies, and the Final Office Action does not allege otherwise as Falcon is relied upon only for its alleged teachings of “a system for connecting a caller making a service request to any number of agents, remote or local, servicing a plurality of call centers, taking and storing caller information such as past caller history which would include any calls abandoned by a caller.” Final Office Action at 8.

Therefore, LaPierre and Falcon, taken alone or in combination, fail to teach or suggest “[a] method for routing a call directed to devices associated with one of a plurality of numbers, the plurality of numbers comprising a first number associated with

a first service, and a second number associated with the first service and a second service, the method comprising . . . ,” among other steps, “determining whether [a] trigger number is associated with the first or second number,” “based on the determination that the trigger number is associated with the second number, requesting the calling party to select the first or second service,” and “based on the determination that the trigger number is associated with the first number, requesting the calling party to select one of a plurality of related types of the first service,” as recited in amended independent claim 1, and similarly in amended independent claim 31. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 8 and 38 based on LaPierre and Falcon.

C. Rejection of Claims 27 and 28 Under 35 U.S.C. § 103(a) Based on LaPierre, Fields, and Aoyama

Claims 27 and 28 depend from amended independent claim 17. As explained above with respect to amended independent claim 1, which recites features that are similar to the features recited in amended independent claim 17, the Examiner correctly observed that “LaPierre does not teach a method for routing a call directed to one of a plurality of numbers, each number associated with at least one of a plurality of services.” Final Office Action at 2.

Fields and/or Aoyama fail to cure these deficiencies of LaPierre, and the Final Office Action does not allege otherwise as Fields and/or Aoyama are relied upon only for their alleged teachings of “systems [having] the ability to detect when a call or action is real or when it is merely a test.” Final Office Action at 9.

Therefore, LaPierre, Fields, and Aoyama, taken alone or in combination, fail to teach or suggest “[a] system for routing a call directed to devices associated with one of a plurality of numbers, the plurality of numbers comprising a first number associated with a first service, and a second number associated with the first service and a second service, the system comprising . . . ,” among others, “a switching control node . . . , wherein based on the determination that [a] trigger number is associated with the first number, said switching control node forwards requests to [a] calling party to select one of a plurality of related types of the first service, and the calling party generates . . . service query responses in response to said requests,” as recited in amended independent claim 17. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 27 and 28 based on LaPierre, Fields, and Aoyama.

III. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims².

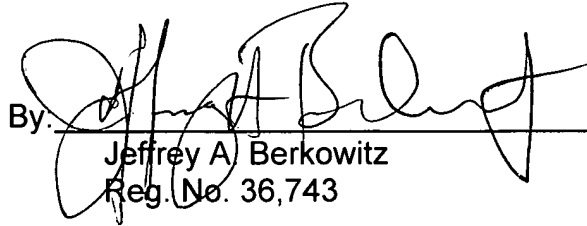
² As Applicants’ remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicants’ silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 13, 2008

By. 
Jeffrey A. Berkowitz
Reg. No. 36,743